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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,770

09/01/2006

Gordon J. Pike

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EXAMINER

SWINEHART, EDWIN L

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

11/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,770

Applicant(s)

PIKE, GORDON J.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17, 19, 21-25 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11, 13-17, 19, 21-25, 27, 28 and 33-38 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 17, 19 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Haire in view of Arzola.

O'Haire a floodable bay in an "offshore unit" (submarine) accommodating a submarine for transporting crew. The submarine 16 may be launched from the bay. The walls of the bay form a shaft which extends to a predetermined exterior portion of the offshore unit. The module includes means for flooding the bay. Once the bay is flooded, pressure variances will open the exterior door due to a buoyancy characteristic of the door. O'Haire fails to show any kind of power system on the evacuation submarine.

Arzola teaches the provision of power systems (Col. 8, lines 29-31) aboard a rescues module. Arzola further teaches provision of propulsion (Col. 9, lines 60+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a power system to O'Haire as taught by Arzola.

Such a combination would have been desirable so as to provide for equipment which will aide in the rescue of personnel, such as radio and the like.

Re "control system", such fails to define over the control system of O'Haire as noted above.

Re claim 18, since the goal of the launch is to save the crew and get them to safety, inherently such a craft will move to the surface.

The examiner takes official notice, that the claimed evacuation procedure is old and well known, and further falls within the realm of common sense. To have personnel gather at a muster station and be counted/logged is standard cruise ship evacuation procedure. The number of times they are to be counted is obvious to anyone working in the art. To physically check the operating status of the lifeboat is again standard procedure, and such would have been obvious to anyone evacuating a ship with the system of O'Hare.

3. Claims 1-5,14,19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerolami et al. in view of Arzola.

Gerolami et al. discloses a vessel as that of O'Haire as discussed above, and also provides doors **10** positioned on opposite ends of the submarine bay. Gerolami et al. Fails to provide a power system as claimed.

Arzola is applied as above.

4. Claims 1-5,10,11,19,20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Arzola.

Hoke, Jr. discloses a floodable bay in an "offshore unit" (submarine) accommodating a submarine for transporting crew. The submarine may be launched from the bay. The walls of the bay form a shaft which extends to a predetermined exterior portion of the offshore unit. The module includes means for flooding the bay,

means for opening the hatch, and a hook/reel assembly 41 with means for control.

Hoke, Jr. fails to show a power system as claimed.

Arzola is applied as above.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Haire in view of Arzola, and further in view of Woodland.

O'Haire et al. fails to mention the use of sonar on his submarine.

Woodland teaches the use of sonar on a life craft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a sonar on the submarine life craft of O'Haire as taught by Woodland.

Such a combination would have been desirable so as to provide the ability to avoid collision. Re "near the bay door", such is considered an inherency of such a sonar system.

6. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Arzola, and further in view of Barhite et al.

Hoke, Jr. fails to disclose rollers.

Barhite et al. teaches guiding rollers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide cradling/guiding rollers to Hoke, Jr. as taught by Barhite et al.

Such a combination would have been desirable so as to provide for reduced friction.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke Jr. in view of Arzola and Barhite et al. as applied to claim 25 above, and further in view of Woodland.

Woodland is applied as above.

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Arzola, and further in view of Sanders.

Hoke, Jr. fails to show use of his device in a pontoon.

Sanders teaches the use of a submarine hull as a pontoon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of the submarine hull of Hoke, Jr. as a pontoon as taught by Sanders.

Such a combination would have been desirable so as to provide for further utility of the hull.

9. Claims 6-8 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Applicant's arguments filed 8/12/2008 have been fully considered but they are not persuasive.

Applicant argues that each of the references previously applied under 102(b) are not "powered" as now claimed.

In response, not the New Grounds of rejection as now applied, providing power systems as taught by Arzola. As claimed, "powered" does not define over the electrical system taught by Arzola for powering radios and like equipment.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Ed Swinehart/
Primary Examiner
Art Unit 3617**